

By Senator Rodriguez

37-00696A-20

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1 A bill to be entitled
2 An act relating to firearms; amending s. 790.065,
3 F.S.; requiring that, if neither party to a firearm
4 sale or transfer is a licensed importer, licensed
5 manufacturer, or licensed dealer, all other sales or
6 transfers may be conducted only between two persons
7 who have valid concealed weapons or firearms licenses;
8 requiring such a seller or transferor to retain a copy
9 of the buyer's or transferee's concealed weapons or
10 firearms license and the serial number of the firearm
11 sold; creating a civil cause of action; revising
12 applicability; deleting applicability; expanding the
13 applicability of certain criminal penalties; providing
14 an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsections (1) and (12) of section 790.065,
19 Florida Statutes, are amended to read:

20 790.065 Sale and delivery of firearms.—

21 (1) (a) A licensed importer, licensed manufacturer, or
22 licensed dealer may not sell or deliver from her or his
23 inventory at her or his licensed premises any firearm to another
24 person, other than a licensed importer, licensed manufacturer,
25 licensed dealer, or licensed collector, until she or he has:

26 1. Obtained a completed form from the potential buyer or
27 transferee, which form shall have been adopted ~~promulgated~~ by
28 the Department of Law Enforcement and provided by the licensed
29 importer, licensed manufacturer, or licensed dealer, which shall

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30 include the name, date of birth, gender, race, and social
31 security number or other identification number of such potential
32 buyer or transferee and has inspected proper identification
33 including an identification containing a photograph of the
34 potential buyer or transferee.

35 2. Collected a fee from the potential buyer for processing
36 the criminal history check of the potential buyer. The fee shall
37 be established by the Department of Law Enforcement and may not
38 exceed \$8 per transaction. The Department of Law Enforcement may
39 reduce, or suspend collection of, the fee to reflect payment
40 received from the Federal Government applied to the cost of
41 maintaining the criminal history check system established by
42 this section as a means of facilitating or supplementing the
43 National Instant Criminal Background Check System. The
44 Department of Law Enforcement shall, by rule, establish
45 procedures for the fees to be transmitted by the licensee to the
46 Department of Law Enforcement. Such procedures must provide that
47 fees may be paid or transmitted by electronic means, including,
48 but not limited to, debit cards, credit cards, or electronic
49 funds transfers. All such fees shall be deposited into the
50 Department of Law Enforcement Operating Trust Fund, but shall be
51 segregated from all other funds deposited into the ~~such~~ trust
52 fund and must be accounted for separately. Such segregated funds
53 must not be used for any purpose other than the operation of the
54 criminal history checks required by this section. The Department
55 of Law Enforcement, each year before February 1, shall make a
56 full accounting of all receipts and expenditures of such funds
57 to the President of the Senate, the Speaker of the House of
58 Representatives, the majority and minority leaders of each house

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59 of the Legislature, and the chairs of the appropriations
60 committees of each house of the Legislature. In the event that
61 the cumulative amount of funds collected exceeds the cumulative
62 amount of expenditures by more than \$2.5 million, excess funds
63 may be used for the purpose of purchasing soft body armor for
64 law enforcement officers.

65 3. Requested, by means of a toll-free telephone call or
66 other electronic means, the Department of Law Enforcement to
67 conduct a check of the information as reported and reflected in
68 the Florida Crime Information Center and National Crime
69 Information Center systems as of the date of the request.

70 4. Received a unique approval number for that inquiry from
71 the Department of Law Enforcement, and recorded the date and the
72 approval ~~such~~ number on the consent form.

73 (b) If neither party to a firearm sale or transfer is a
74 licensed importer, licensed manufacturer, or licensed dealer and
75 the sale or transaction is not conducted pursuant to paragraph
76 (a), all other firearm sales or transfers may be conducted only
77 between two persons who have valid concealed weapons or firearms
78 licenses as follows:

79 1. A seller or transferor must hold a valid concealed
80 weapons or firearms license and may sell or transfer a firearm
81 only to another person who holds a valid concealed weapons or
82 firearms license at the time of the transaction.

83 2. The seller or transferor must retain a copy of the
84 buyer's or transferee's concealed weapons or firearms license
85 and the serial number of the firearm that she or he sold to the
86 buyer or transferee. There is created a civil cause of action
87 for an aggrieved person in this state to seek compensatory

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88 damages against a seller or transferor who violates this
89 paragraph by selling or transferring a firearm to a person who
90 does not hold a valid concealed weapons or firearms license.

91
92 This subsection does not apply ~~(b) However,~~ if the person
93 ~~purchasing, or receiving delivery of, the firearm is a holder of~~
94 ~~a valid concealed weapons or firearms license pursuant to the~~
95 ~~provisions of s. 790.06 or holds an active certification from~~
96 the Criminal Justice Standards and Training Commission as a "law
97 enforcement officer," a "correctional officer," or a
98 "correctional probation officer" as defined in s. 943.10(1),
99 (2), (3), (6), (7), (8), or (9), ~~this subsection does not apply.~~

100 ~~(c) This subsection does not apply to the purchase, trade,~~
101 ~~or transfer of a rifle or shotgun by a resident of this state~~
102 ~~when the resident makes such purchase, trade, or transfer from a~~
103 ~~licensed importer, licensed manufacturer, or licensed dealer in~~
104 ~~another state.~~

105 (12) (a) Any potential buyer or transferee who willfully and
106 knowingly provides false information or false or fraudulent
107 identification commits a felony of the third degree, punishable
108 as provided in s. 775.082 or s. 775.083.

109 (b) Any person, including a licensed importer, licensed
110 manufacturer, or licensed dealer, who violates ~~the provisions of~~
111 subsection (1) commits a felony of the third degree, punishable
112 as provided in s. 775.082 or s. 775.083.

113 (c) Any employee or agency of a licensed importer, licensed
114 manufacturer, or licensed dealer who violates ~~the provisions of~~
115 subsection (1) commits a felony of the third degree, punishable
116 as provided in s. 775.082 or s. 775.083.

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117 (d) Any person who knowingly acquires a firearm through
118 purchase or transfer intended for the use of a person who is
119 prohibited by state or federal law from possessing or receiving
120 a firearm commits a felony of the third degree, punishable as
121 provided in s. 775.082 or s. 775.083.

122 Section 2. This act shall take effect July 1, 2020.